

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 06/04/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	19-CR-862 (VEC)
	:	
LUIS SEPULVEDA,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on May 9, 2022, the Defendant was sentenced principally to a term of imprisonment of fifteen years, *see* J., Dkt. 770;

WHEREAS on May 3, 2024, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the U.S. Sentencing Guidelines (“Amendment 821”), *see* Mot., Dkt. 1185, which went into effect on November 1, 2023, and which applies retroactively; *see* U.S.S.G. §§ 1B1.10, 4A1.1(e), 4C1.1;

WHEREAS on May 31, 2024, the United States Probation Department reported that Defendant is not eligible for a sentence reduction, *see* Probation Rep., Dkt. 1193; and

WHEREAS the Court has considered the record in this case.

IT IS HEREBY ORDERED that Defendant is ineligible for a sentence reduction pursuant to Amendment 821 because he did not receive an enhancement for committing the instant offenses while under a criminal justice sentence — precluding him from the status points reduction — and he both carried a firearm in connection with the offenses and received an aggravating role adjustment — precluding him from the zero-point offender reduction, *see id.*

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to close the open motion at Dkt. 1185 and to mail a copy of this Order to Luis Sepulveda, Reg. No. 87549-

054, FCI Beckley, P.O. Box 350, General & Legal Mail, Beaver, WV 25813, and to note the mailing on the docket.

SO ORDERED.

Dated: June 4, 2024
New York, NY



VALERIE CAPRONI
United States District Judge